

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ORANGEBURY DIVISION

CLERK, CHARLESTON, SC

2023 MAR -6 AM 9:09

BURR WASHINGTON

VS.

CIVIL ACTION NO. 5:16-3913-BHH

FEDERAL BUREAU OF PRISON... ET.

PLEASE FIND ENCLOSED: (2) MOTION. Notice of appeal
(5) PAGES, AND ONE SAFE ADD-
RESSED, STAMPED ENVELOP. PLEASE STAMP THIS PAGE
FILED WITH DATE AND DOCKET NUMBER, AND
MAIL BACK TO PLAINTIFF. THANKS YOU FOR YOUR
TIME AND CONSIDERATION.

February 27th 2023

Burr Washington

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

BRIAN WASHINGTON,

VS.

CIVIL ACTION NO. 16-3913-BHH

FEDERAL BUREAU OF PRISON... ET.

NOTICE OF APPEAL

(1)

DEFENDANTS FAILED TO FULLY
DISCLOSE ALL EXCULPATORY EVIDENCE

DEFENDANTS FAILED TO DISCLOSE ANY AND
ALL MEDICAL RECORDS: (FBI WILLIAMSBURG/
MUSC), RELATED TO MR WASHINGTON'S
DECEMBER 12, 2014, ADMISSION INTO
(MUSC) HOSPITAL, FOR LASER DIODE
SURGERY, OS.

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DEFENDANTS FAILED TO DISCLOSE TWO LETTERS. LETTER ONE, FROM DR. MATTHEW NUTAITUS, TO: FCI WILLIAMSBURG, PRISON OFFICIALS ON AUGUST 28, 2014. LETTER TWO, FROM: DR. DAVID MICHAEL TREMBLAY, TO: FCI WILLIAMSBURG, PRISON OFFICIALS, ON MAY 19, 2015. BOTH LETTERS RELATE DIRECTLY TO PLAINTIFF'S MEDICAL CARE, AND PRISON OFFICIALS DUTIES IN ADMINISTERING THAT CARE.

DEFENDANTS FAILED TO DISCLOSE:

(MUSC) RUTLEDGE TOWER, AMBULATORY SURGICAL UNIT, DR. DAVID MICHAEL TREMBLAY, AND DR. MATTHEW NUTAITUS' PRE OPERATIONS INSTRUCTIONS PROVIDED TO AND/OR KNOWN TO THE INSTITUTION PRIOR TO DECEMBER 12, 2014 AND JUNE 10, 2015. DEFENDANTS FAILED TO FULLY DISCLOSE PLAINTIFF'S MEDICAL RECORDS. SPECIFICALLY: PRIOR TO, DECEMBER ~~THE~~ 12, 2014 AND PRIOR TO, JUNE 10, 2015, (MUSC) RUTLEDGE TOWER, AMBULATORY SURGICAL UNIT, DR. DAVID MICHAEL TREMBLAY, AND DR. MATTHEW NUTAITUS, REQUESTED OR INSTRUCTED PRISON OFFICIALS TO PLACE PLAINTIFF ON (NPO) STATUS. THIS REQUEST OR INSTRUCTION MAY HAVE COME WRITTEN OR VERBAL.

THIS REQUEST / INSTRUCTION MAY HAVE COME AS DO OR DON'T. IN ANY EVENT THE REQUEST / INSTRUCTION TO PLACE OR NOT PLACE PLAINTIFF ON (NPC) STATUS PRIOR TO SURGERY WOULD HAVE BEEN A COMMONLY - PRACTICED STEP IN: (MUSC) RUTLEDGE TOWER, AMULATORY SURGICAL UNIT, AND DR. DAVID MICHAEL TREMBLAY, AND DR. MATTHEW NUTAITUS, TREATMENT PLAN FOR PLAINTIFF, AND PRISON OFFICIALS NECESSITATED ROLE IN PLAINTIFF'S TREATMENT, AND THEREFORE A PART OF PLAINTIFFS MEDICAL RECORD, MATERIAL AND RELEVANT TO PLAINTIFFS CASE.

- DEFENDANTS FAILED TO DISCLOSE WHAT MEDICAL RECOMMENDATIONS PRISON OFFICIALS ARE REQUIRED TO FOLLOW.

(2)

THE COURT ERRED WHEN THE COURT FAILED TO FIND A CLEAR AND PRESENT VIOLATION OF THE REHABILITATION ACT OF (1970) AND A CLEAR AND PRESENT VIOLATION OF THE AMERICANS WITH DISABILITIES ACT, BETWEEN NOVEMBER, 2013 AND FEBRUARY 2018.

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PRISON OFFICIALS VIOLATED THE REHABILITATION ACT OF (1970). PRISON OFFICIALS DENIED PLAINTIFF (ADA) SERVICES, BENEFITS, AND ACCOMMODATIONS SUCH AS: A COMPANION,² TALKING WATCH,² DARKER TINTED GLASSES,² BRAILLE TRAINING,² ASSISTANCE WITH AMBULATION, RATHER THAT BE A PROCTOR SITTER OR NURSE, FULL MOBILITY CANE TRAINING, ACCESS TO A LOW VISION THERAPIST, AND A MEDICALLY NECESSARY GLAUCOMA SPECIALIST, OFFICE VISITS AND SCHEDULED ~~XXXXXX~~ SURGERIES, BETWEEN NOVEMBER 2013, AND FEBRUARY 2018.

(3)

THE COURT ERRED WHEN THE COURT FAILED TO FIND THE TEN MONTH DELAY WITH A MEDICALLY - NECESSARY TIME SENSITIVE LASER - DIODE - SURGERY, WAS (A BREACH OF DUTY. AND A VIOLATION OF THE REHABILITATION ACT OF (1970)), ON THE PART OF THE PRISON OFFICIALS BETWEEN AUGUST 28, 2014 AND MAY 27, 2015.

RATHER THE DELAY WAS CAUSED BY THE CLINICAL ^{DIRECTORS} ~~XXXXXX~~ FAILURE TO SCHEDULE THE SURGERY. OR SEVEN CORNERS,

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The Firm hired by the (FBOP) to Schedule Medical appointments Failed to Schedule the Surgery. Or Prison officials did not present plaintiff ready for Surgery. OR Prison officials transferred plaintiff to another state prior to and away from a Scheduled Surgery. It is of no importance. The clinical director, and the Scheduling firm, and the Prison official: Each was employed by the (FBOP) at and during the time of delay. And each failure to Schedule and/or each failure to present plaintiff ready for Surgery and or each Transfer of plaintiff to a different Institution prior to and away from a Scheduled Surgery was done in their individual and official Capacity.

Good Cause exist to excuse any Procedural Default

Plaintiff Burl Washington Federal inmate 34793-044 is blind and Can not read and Can not write Coherently. I received the Courts Order and opinion on February 24th 2023. (166 pages). I do not have anyone assigned to me, to assist me with reading of the Courts order and opinion. I do not have anyone assigned to assist me with research of Case law, or rules of Court room procedures, and/or preparing and filing motions. I had assistance (volunteered) with this motion. That assistance has ended. Assistance with reading and writing in the Future is not readily available or guaranteed.

February 27, 2023

Burl Washington

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Core WASHINGTON 34793-044

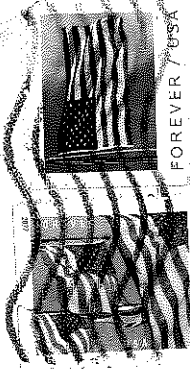
Name: Number:

Federal Correctional Institution

O. Box 1000

utner, NC 27509

RALEIGH NC 275
Research Triangle Region
28 FEB 2023 PM 6 L



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FEB 28 2023
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ITEM X-RAYED BY

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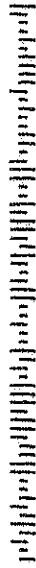
U.S. DISTRICT COURT

85 BROAD ST.

CHARLESTON, SC

29401

29401-220285



FEDERAL BUREAU OF INVESTIGATION
P.O. BOX 100
BUTNE, N.C.

2-27-2023

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